

AMENDED IN ASSEMBLY MARCH 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 845**

**Introduced by Assembly Member Vargas**

February 20, 2003

---

An act to amend Section 5102 of, *and to add Article 5.4 (commencing with Section 5243) to Chapter 7 of Division 2 of, the Public Utilities Code, relating to public utilities.*

LEGISLATIVE COUNSEL'S DIGEST

AB 845, as amended, Vargas. Household goods carriers.

*(1) Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including transportation companies. Household goods carriers are subject to the jurisdiction and control of the commission under the Household Goods Carriers Act.*

*This bill would prohibit a household goods carrier from transporting household goods under a subhauling agreement unless the agreement is with another licensed household goods carrier and the customer or shipper is provided with reasonable notice and consents in writing to the subhauling arrangement. The bill would require the commission to make any rules and regulations necessary to enforce these requirements. The bill also would make a technical, nonsubstantive change. Because a violation of the Household Goods Carriers Act or an order of the commission is a crime under existing law, the bill would impose a state-mandated local program by expanding a crime.*

*(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.*

Statutory provisions establish procedures for making that reimbursement.

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~The Household Goods Carriers Act regulates household goods carriers.~~

~~This bill would make a technical, nonsubstantive change to a provision of that act stating its purpose.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5102 of the Public Utilities Code is  
2 amended to read:

3 5102. The use of the public highways for the transportation of  
4 used household goods and personal effects for compensation is a  
5 business affected with a public interest. It is the purpose of this  
6 chapter to preserve for the public the full benefit and use of public  
7 highways consistent with the needs of commerce without  
8 unnecessary congestion or wear and tear upon those highways; to  
9 secure to the people just, reasonable, and nondiscriminatory rates  
10 for transportation by carriers operating upon the highways; and to  
11 secure full and unrestricted flow of traffic by motor carriers over  
12 the highways that will adequately meet reasonable public demands  
13 by providing for the regulation of rates of all carriers so that  
14 adequate and dependable service by all necessary carriers shall be  
15 maintained and the full use of the highways preserved to the  
16 public.

17 SEC. 2. Article 5.4 (commencing with Section 1543) is added  
18 to Chapter 7 of Division 2 of the Public Utilities Code, to read:

19

20 Article 5.4. Subhauling Agreements

21

22 5243. No household goods carrier may transport household  
23 goods under a subhauling agreement unless each of the following  
24 occurs:

25 (a) The customer or shipper is provided with reasonable notice  
26 of the subhauling agreement and consents in writing to the  
27 subhauling arrangement. Reasonable notice shall be given to the



1 *customer or shipper within 24 hours after the household goods*  
2 *carrier enters into the subhauling agreement. The written consent*  
3 *of the customer or shipper shall be obtained prior to the beginning*  
4 *of work. The customer may withhold consent to the subhauling*  
5 *arrangement without penalty or charge.*

6 *(b) The subhauler complies with the requirements of this*  
7 *chapter.*

8 *(c) The household goods carrier and subhauler are jointly and*  
9 *severally liable for any loss or damage caused by the subhauler.*

10 *5244. The commission shall make any rules and regulations*  
11 *necessary to enforce the requirements of this article.*

12 *SEC. 3. No reimbursement is required by this act pursuant to*  
13 *Section 6 of Article XIII B of the California Constitution because*  
14 *the only costs that may be incurred by a local agency or school*  
15 *district will be incurred because this act creates a new crime or*  
16 *infraction, eliminates a crime or infraction, or changes the penalty*  
17 *for a crime or infraction, within the meaning of Section 17556 of*  
18 *the Government Code, or changes the definition of a crime within*  
19 *the meaning of Section 6 of Article XIII B of the California*  
20 *Constitution.*

